



California Environmental Protection Agency

INTRA-AGENCY ENVIRONMENTAL JUSTICE STRATEGY

JULY 2004 DRAFT

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INTRODUCTION

The California Environmental Protection Agency (Cal/EPA or Agency) is committed to the achievement of environmental justice. Environmental justice (EJ) is defined in California law (Government Code section 65040.12) as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws and policies.”

Pursuant to Public Resources Code (PRC) sections 71110-71113, Cal/EPA has developed this intra-agency (agency-wide) strategy to identify and address any gaps in existing programs, policies, and activities that may impede the achievement of environmental justice. This strategy is the overarching environmental justice vision document for our Boards, Departments, and Office (BDOs). The strategy sets forth the Agency’s environmental justice vision, mission, core values, goals, and objectives that will guide Cal/EPA’s BDOs in integrating environmental justice into our programs, policies, and activities.

The Cal/EPA intra-agency EJ strategy is the product of a multi-year collaboration between the Cal/EPA Interagency Working Group on Environmental Justice (IWG or Working Group), the Cal/EPA Advisory Committee on Environmental Justice (Advisory Committee), and other EJ stakeholders (including community, local government, business, industry, and Tribal representatives). The strategy provides the foundation for addressing environmental justice issues and shall be reviewed regularly and revised as necessary in consideration of evolving environmental justice issues, programs, policies, and activities.

BACKGROUND INFORMATION

Public Resources Code sections 71110-71113 charged Cal/EPA with the following activities:

- Conduct our programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.
- Promote enforcement of all health and environmental statutes within our jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.
- Ensure greater public participation in the agency's development, adoption, and implementation of environmental regulations and policies.
- Improve research and data collection for programs within the agency relating to the health of, and environment of, people of all races, cultures, and income levels, including minority populations and low-income populations of the state.
- Coordinate its efforts and share information with the United States Environmental Protection Agency (U.S. EPA).
- Identify differential patterns of consumption of natural resources among people of different socio-economic classifications for programs within the agency.
- Consult with and review any information received from the [Inter-agency] Working Group on Environmental Justice established to assist the Cal/EPA in developing an agency-wide strategy to pursuant to section 71113.
- Develop a model environmental justice mission statement for Cal/EPA's BDOs.
- Consult with, review, and evaluate any information received from the [Inter-agency] Working Group on Environmental Justice pursuant to section 71113 and in development of its model environmental justice mission statement.
- Develop an agency-wide strategy for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

The Secretary of Cal/EPA first convened the IWG and Advisory Committee in December 2001. The Working Group includes the Secretary of Cal/EPA, the Director of the Governor's Office of Planning and Research, and the chairs and directors of Cal/EPA's BDOs. The Advisory Committee consists of 17 representatives from environmental organizations, community organizations, local/regional land use planning agencies, air districts, certified unified program agencies (CUPAs), large and small businesses, environmental justice organizations, and a federally recognized Tribe. The IWG and Advisory Committee were charged with the task of advising the Secretary on the development of Cal/EPA's intra-agency EJ strategy.

During the multi-year process that followed, the IWG examined existing data and studies on environmental justice (i.e., the precautionary approach, cumulative impacts, pollution prevention, meaningful public participation, etc.), and consulted with other agencies (including the California Department of Transportation, California Energy Commission, California Department of Health Services, U.S. EPA, and others) and affected communities. The IWG also conducted four public meetings to receive public input, and sought the assistance of the Advisory Committee in the development of recommendations for a Cal/EPA intra-agency EJ strategy. These actions have ensured that this strategy is based on input from many stakeholders of various regions, backgrounds, disciplines, and perspectives.

The Advisory Committee provided invaluable assistance to the IWG and Cal/EPA in developing this strategy. The Advisory Committee conducted an extensive process, seeking and reviewing public input throughout the state, as well as examining related environmental justice data, to assist the IWG and Cal/EPA with their statutory mandate. In October 2003, the Advisory Committee presented its report, *The Recommendations of the Advisory Committee on Environmental Justice to the Interagency Working Group Report*, advising the IWG on the issues, goals, and actions for development of the EJ strategy. The Advisory Committee's report helped frame the complexity of environmental justice within the state, and contributed in meeting the IWG's statutory obligations in making recommendations to the Secretary on an intra-agency EJ strategy.

Cal/EPA and the IWG examined the Advisory Committee's report in great detail, and appreciated its thoughtful and comprehensive recommendations and strategies. The Advisory Committee's report not only presented a host of viable actions to implement and integrate environmental justice into Cal/EPA's programs, policies, and activities, but also encouraged strategic direction in the face of a challenging and dynamic issue. At its October 14, 2003, public meeting, the IWG approved a resolution endorsing the Advisory Committee's report and committing to using the goals and recommendations contained in it to provide the structure for development of the intra-agency EJ strategy.

Guided by the IWG's resolution, Cal/EPA staff prepared draft IWG recommendations to the Secretary on an intra-agency EJ strategy. Released for public comments in April 2004, the draft recommendations facilitated a deliberative approach to address environmental justice issues while recognizing the constraints of Cal/EPA's legal authority and available resources. This approach was based on the provision in the IWG's resolution to implement recommendations from the Advisory Committee's report that were determined to be reasonable and feasible.

On May 24, 2004, the IWG met to discuss the draft IWG recommendations, which were based on many of the concepts and recommendations in the Advisory Committee's report. The draft IWG recommendations presented goals and objectives with broad concepts and themes, reflecting a comprehensive, long-term overarching vision to encompass all of the EJ activities conducted by Cal/EPA's BDOs. An overarching vision would provide Cal/EPA's BDOs the guidance and flexibility to address the many complex and varied issues necessary to achieve environmental justice in BDO-specific activities. Cal/EPA ensured the public availability of these draft IWG recommendations one month prior to the IWG's May 24, 2004, public meeting.

At the May 24, 2004 meeting, the IWG received written and heard oral public comments on the draft recommendations. At the conclusion of the meeting, the IWG approved staff's proposal as the Working Group's recommendations to the Secretary for an intra-agency environmental justice strategy and recommended that the Secretary consider the public comments received for incorporation, as appropriate, into the final strategy.

Cal/EPA recognizes the challenges in addressing and achieving environmental justice and acknowledges the necessity to seek emerging opportunities to make environmental justice a tangible and consistent part of the way Cal/EPA's BDOs performs our regulatory functions. In this spirit, Cal/EPA presents this intra-agency environmental justice strategy as an overarching vision to help guide our BDOs in decision-making processes and approaches to advance environmental justice.

STRATEGIC DIRECTION

Cal/EPA's environmental justice mission, vision, core values, and four strategic goals provide the foundation upon which our BDOs will be guided in integrating environmental justice into all our environmental programs, policies, and activities.

Mission

To accord the highest respect and value to every individual and community, by developing and conducting our public health and environmental protection programs, policies, and activities in a manner that promotes equity and affords fair treatment, accessibility, and protection for all Californians, regardless of race, age, culture, income, or geographic location.

Vision

All Californians, regardless of race, age, culture, income, or geographic location, are protected from environmental and health hazards, and afforded accessibility to and fair treatment in our decision-making processes.

Core Values

- | | | |
|------------------|-----------------|---------------|
| ▪ Leadership | ▪ Coordination | ▪ Respect |
| ▪ Accountability | ▪ Collaboration | ▪ Objectivity |
| ▪ Accessibility | ▪ Integrity | ▪ Quality |
| ▪ Responsiveness | | |

Goals

1. Ensure meaningful public participation and promote community capacity building to allow communities and Tribes to effectively participate in environmental decision-making processes.
2. Integrate environmental justice into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.
3. Improve research and data collection to promote and address environmental justice related to the health and environment of communities of color and low-income populations.
4. Ensure effective cross-media coordination and accountability in addressing environmental justice issues.

ACHIEVING THE GOALS

The Cal/EPA intra-agency EJ strategy provides a comprehensive, long-term overarching vision, as reflected in our environmental justice goals. Our environmental justice goals and objectives outline steps necessary toward achieving Cal/EPA's environmental justice vision. Cal/EPA has purposely developed broad concepts and themes to guide our BDOs in the development of BDO-specific environmental justice objectives and work plans, with specific and measurable targets adapted to BDO-specific responsibilities and priorities. Cal/EPA believes this approach is necessary to address the complexity of environmental justice in a timely, deliberate, coordinated, and concentrated manner.

This strategy represents the initial step in Cal/EPA's long-term environmental justice strategic planning process. Using this strategy as a guide, Cal/EPA's BDOs will review environmental programs, policies, and activities to identify and address any gaps that may impede the achievement of environmental justice. Each of Cal/EPA's BDOs will prepare an environmental justice strategic plan, or review and update as appropriate its existing EJ strategic plan, reflecting BDO-specific purpose, mission, goals, and milestones to achieve the Cal/EPA overarching vision outlined in this strategy.

Cal/EPA's BDOs will also prepare, or review and update as appropriate, BDO-specific environmental justice work plans. Performance measures will be identified in the work plans to determine the BDOs' progress toward fulfilling the overarching goals and objectives of the Cal/EPA intra-agency EJ strategy. Cal/EPA's BDOs will develop and implement their EJ work plans with appropriate consideration of science-based approaches, cost-effectiveness, and programmatic solutions, and with clear statement of regulatory requirements for affected communities and businesses.

Cal/EPA will continue to engage the Advisory Committee on Environmental Justice and other EJ stakeholders in the implementation of this strategy, and will provide a triennial report to the Legislature and the public on our progress in achieving environmental justice goals and objectives.

Objectives for Goal 1: Public Participation and Community Capacity Building

Goal 1 – Ensure meaningful public participation and promote community capacity building to allow communities and Tribes to effectively participate in environmental decision-making processes.

Meaningful public participation is critical to the success of efforts to address environmental justice. Goal 1 addresses how Cal/EPA will increase the availability of information and enhance public participation in our decision-making processes. The objectives for Goal 1 state procedures to ensure that public documents, notices, and hearings are concise, understandable, and readily accessible to the public in a timely manner, and provide guidance on when it is appropriate to provide translation for limited-English speaking populations.

Cal/EPA's objectives for Goal 1 are the following:

- A.** Develop policies and procedures for all Cal/EPA BDOs on meaningful public participation, with consideration of actions recommended in the Advisory Committee's report. Such policies and procedures shall be reviewed on a regular basis and updated as necessary.
- B.** Ensure that staff training on environmental justice is current and available.
- C.** Collaborate with agencies both within and outside Cal/EPA to use resources effectively and enhance public participation opportunities.
- D.** Identify opportunities (such as grants, loans, etc.) to assist communities, Tribes, and local governments in enhancing their knowledge and understanding of, and participating in, environmental issues and governmental processes.
- E.** Enhance educational efforts and expand outreach to communities, Tribes, local government, local elected officials, and stakeholders working on environmental justice issues.
- F.** Develop a translation assistance guide for the Agency to ensure limited-English-speaking populations have access to Cal/EPA's decision-making processes.
- G.** Extend outreach efforts and conduct meetings in various rural regions of the State to ensure meaningful public, Tribal, and local government participation when State regulatory or policy decisions may disproportionately impact rural areas.
- H.** Increase public access to information necessary for meaningful participation in environmental decision-making and to enhance public knowledge and understanding of environmental issues and governmental processes.

Objectives for Goal 2: Environmental Justice Integration

Goal 2 – Integrate environmental justice into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

Goal 2 addresses how Cal/EPA will integrate environmental justice into all our public health and environmental protection programs, policies, and activities. Goal 2 includes criteria for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

The following criteria will guide Cal/EPA BDOs in identifying and addressing environmental justice gaps in regulatory programs, policies, and activities:

- I.** Are environmental justice issues considered in developing and revising programs and program elements?
- II.** In the development, adoption, and implementation of programs and policies, is it ensured that new environmental justice problems have not been created or existing environmental justice problems have not been worsened?
- III.** Have guidelines, procedures, and performance measures been established to ensure timely, equitable implementation and enforcement of programs and policies?
- IV.** Have data, tools, and procedures been collected and collaborated on to identify environmental justice problems?
- V.** Have actions been identified and prioritized to address environmental justice problems?

Cal/EPA's objectives for Goal 2 are the following:

- A.** Identify and address environmental justice when developing and revising programs and program elements.
- B.** Ensure adequate and fair deployment of enforcement resources.
- C.** Give high priority to actions (e.g., funding criteria) that will address and/or reduce existing environmental justice problems.
- D.** Dedicate resources and identify staff members responsible for assuring that the Boards, Departments, and Office of Cal/EPA properly considers and addresses existing and potential environmental justice problems.
- E.** Identify where a precautionary approach is currently being used, or could be used, to address environmental justice issues.
- F.** Consult with appropriate stakeholders, including Tribes, local government and/or local elected officials, regarding their priorities and concerns prior to developing or revising program elements, rules, or policies.

Objectives for Goal 3: Research and Data Collection

Goal 3 – Improve research and data collection to promote and address environmental justice related to the health and environment of communities of color and low-income populations.

Goal 3 addresses how Cal/EPA will enhance research and data collection to support environmental justice efforts. The objectives for Goal 3 also state procedures for collecting, maintaining, analyzing, and coordinating information relating to an environmental justice strategy.

Cal/EPA's objectives for Goal 3 are the following:

- A.** Establish a Cal/EPA environmental justice clearinghouse.
- B.** Develop tools and approaches to assess and address adverse cumulative impacts.
- C.** Initiate and collaborate on community-based projects related to environmental justice.
- D.** Develop, promote and support efforts to collect community and environmental data (including data on and surrounding federal facilities) that will improve understanding of environmental justice problems, and lead to solutions and prevention of further problems.
- E.** Initiate, engage, and expand communication and collaboration with stakeholders and communities to build positive and effective working relationships.

Objectives for Goal 4: Cross-Media Coordination and Accountability

Goal 4 – Ensure effective cross-media coordination and accountability in addressing environmental justice issues.

Goal 4 addresses how Cal/EPA will strive to improve cross-media coordination and ensure accountability in its environmental justice efforts. The objectives for Goal 4 state procedures and provide guidance for the coordination and implementation of environmental justice activities.

Cal/EPA's objectives for Goal 4 are the following:

- A.** Promote collaborative efforts between agencies (internal and external) towards the sharing of data and information relevant to environmental justice.

- B.** Ensure ongoing communication between Cal/EPA and external stakeholders.
- C.** Develop protocols for effective coordination within Cal/EPA, its Boards, Departments, and Office, including regional offices, on environmental justice issues.
- D.** Identify and adopt mechanisms to ensure greater coordination with other federal, state, Tribal, and local agencies.
- E.** Develop performance measures to determine the success of environmental justice programs with review and input from external stakeholders.
- F.** Ensure compliance with federal (Title VI, Civil Rights Act of 1964) and state (California Government Code section 11135) civil rights laws in making environmental decisions.

CONCLUSION

With this intra-agency environmental justice strategy, Cal/EPA provides the overarching vision and leadership toward ensuring that all Californians benefit from a clean and healthy environment as a result of the operation or execution of our programs, policies, and activities. Cal/EPA is dedicated to the integration of environmental justice into our public health and environmental protection programs, policies, and activities.

In ensuring that all Californians are afforded fair treatment, accessibility, and protection in a clean, healthy environment, we are also improving the productivity of our workforce and, thus, helping to build a stronger economic climate in our State. The choice between jobs and the environment is a false choice, as is the choice between economic growth and environmental justice. Instead, we seek to build upon the mutually beneficial relationship between a clean, healthy environment and our economy, communities, and quality of life.

The Cal/EPA intra-agency environmental justice strategy's mission, vision, core values, goals and objectives shall provide the foundation upon which Cal/EPA and our BDOs will be guided in achieving environmental justice. As a living document, this strategy shall be reviewed regularly and revised as necessary in consideration of evolving environmental justice issues, programs, policies, and activities.